

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Telephone Number Portability)

CC Docket No. 95-116

AT&T CORP. PETITION FOR WAIVER OF 47 C.F.R. § 52.3(d) AND FOR WAIVER OF
LOCAL NUMBER PORTABILITY DEADLINES FOR SOUTHEAST REGION

Pursuant to Sections 1.3 and 52.3(e) of the Commission's Rules, 47 C.F.R. §§ 1.3, 52.3(e), and the Phase I Waiver Order in the above-captioned proceeding,¹ AT&T Corp.

("AT&T") hereby requests that the Commission (i) waive the 60-day advance notice period for requests for waivers of its long-term local number portability ("LNP") deadlines in order to permit the instant waiver request; and (ii) grant AT&T a waiver of the LNP implementation deadlines in the Southeast Region for Phases I, II and III that permits AT&T to implement LNP on the same schedule as BellSouth, the dominant ILEC in the region.

As it has repeatedly stated, AT&T is committed to fulfilling the Commission's requirements for LNP, and has made every effort to ensure that number portability implementation -- both in its own network and throughout the industry -- fully complies with the

¹ Order, Telephone Number Portability, CC Docket No. 95-116, DA 98-614, released March 31, 1998 ("Phase I Waiver Order").

Noted by the record
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schedule established by the Commission's rules. However, as the Phase I Waiver Order found, the failure of the former Number Portability Administration Center/Service Management System ("NPAC/SMS")² vendor in the Southeast Region to timely provide a stable LNP platform will prevent carriers in that region from offering long-term portability in compliance with the schedule established in the LNP Reconsideration Order.³

AT&T previously filed timely petitions for Phases I and II of LNP implementation in the Southeast region.⁴ At the time those waivers were filed, AT&T expected (as did almost all other carriers) that the new NPAC/SMS "live" date for the Southeast Region -- that is, the date by which the Lockheed NPAC/SMS would be ready to begin inter-company testing -- would be

² The NPAC/SMS is

a hardware and software platform that will contain the database of information required to effect the porting of telephone numbers. In general, the Number Portability Administration Center Service Management System will receive customer information from both the old and new service providers, validate the information received, and download the new routing information when an "activate" message is received indicating that the customer has been physically connected to the new service provider's network.

Second Report and Order, Telephone Number Portability, CC Docket No. 95-116, FCC 97-289, released August 18, 1997, ¶ 9, n.28 ("LNP Second Report and Order").

³ First Memorandum Opinion and Order On Reconsideration, Telephone Number Portability, CC Docket No. 95-116, FCC 97-74, released March 11, 1997 ("LNP Reconsideration Order").

⁴ See AT&T Corp. Petition for Waiver, filed March 2, 1998 in Telephone Number Portability, CC Docket No. 95-116) (Phase I waiver petition); AT&T Corp. Petition for Waiver, filed March 16, 1998 in id. (Phase II waiver petition).

May 11, 1998.⁵ Accordingly, AT&T proposed a revised LNP schedule in its Phase I and II waiver petitions that was based on a May 11th NPAC/SMS live date. However, on May 7, 1998 the Southeast Region LLC notified the Commission that the NPAC/SMS live date for that region would be July 15, 1998,⁶ more than two months later than that LLC had previously estimated. While the Phase I Waiver Order expressly acknowledged that the NPAC/SMS live date for the West Coast and Western regions might ultimately prove to be later than May 11, 1998, and that carriers' implementation dates might slip accordingly, it did not explicitly provide for that eventuality in the Southeast Region.⁷

The recently announced further delay of the Southeast Region NPAC/SMS represents a critical change in circumstances that makes it impossible for AT&T to comply, in that region only, with either the June 26, 1998 Phase I implementation date AT&T proposed in its Phase I waiver petition, the July 10, 1998 Phase II implementation proposed in AT&T's Phase II petition, or the Commission's Phase III deadline. As the Phase I Waiver Order recognizes, no

⁵ As AT&T discussed in its prior waiver petitions, the LLCs for the affected regions agreed that May 11, 1998 would be the new NPAC/SMS "live" date for the Southeast, Western and West Coast Regions. BellSouth, however, stated that it would not be prepared to begin intercompany testing by that date, while MCI indicated that it believed May 11th was the latest date on which the NPAC/SMS would be available. See, e.g., AT&T Phase II Waiver Petition, p. 5.

⁶ See Letter from Pamela Connell, President, Southeast Number Portability Administration Company, L.L.C. to Richard A. Metzger, Chief, Common Carrier Bureau, Federal Communications Commission, May 6, 1998.

⁷ See Phase I Waiver Order, ¶ 37 ("If, for any reason, however, Lockheed Martin is delayed and does not provide a 'live' NPAC on May 11, 1998, these carriers shall implement permanent LNP in the Western and West Coast regions as soon as practicable within 60 days after the NPAC is made available.").

carrier can implement LNP until an NPAC/SMS is in place and the necessary intercompany testing has been completed.⁸ Accordingly, the newly-established Southeast Region NPAC/SMS live date constitutes good cause for waiver of the 60-day notice requirement of § 52.3(d).⁹ As demonstrated below, the new NPAC/SMS live date also satisfies the requirements for waiver of the LNP implementation deadlines pursuant to § 52.3(e).

Section 52.3(e) of the Commission's rules requires that a carrier that is unable to comply with the LNP deployment schedule

must demonstrate through substantial, credible evidence the basis for its contention that it is unable to comply with the deployment schedule set forth in Appendix A to Part 52 of this chapter. Such requests must set forth: (1) the facts that demonstrate why the carrier is unable to meet the Commission's deployment schedule; (2) a detailed explanation of the activities that the carrier has undertaken to meet the implementation schedule prior to requesting an extension of time; (3) an identification of the particular switches for which the extension is requested; (4) the time within which the carrier will complete deployment in the affected switches; and (5) a proposed schedule with milestones for meeting the deployment date.

AT&T addresses each of these five criteria below.

(1) Facts that demonstrate why AT&T is unable to meet the Commission's deployment schedule. The facts underlying the instant waiver request were documented in the Phase I Waiver Order and in AT&T's Phase I and Phase II Waiver Petitions. In brief, Perot Systems, Inc., the company originally selected as the LNP Administrator ("LNPA") in the

⁸ See id., ¶¶ 34-38.

⁹ AT&T did not initially file a petition for waiver of the Phase III deadlines because, based on the original May 11, 1998 NPAC/SMS live date for the Southeast Region, it would have been able to timely implement Phase III.

Southeast Region, was unable provide a stable NPAC/SMS. Lockheed Martin has been selected as the new LNPA and, as noted above, the new NPAC/SMS live date for that region is now July 15, 1998.

(2) Activities AT&T has undertaken to meet the implementation schedule prior to requesting an extension of time. AT&T has completed, or will timely complete, all upgrades and modifications to its own network which are necessary to permit it to provide long-term portability in all Phase I, II, and III MSAs. As soon as an NPAC/SMS becomes available in the Southeast Region and inter-company testing is completed, AT&T can expeditiously begin meeting all of its LNP obligations.

(3) Particular switches for which the extension is requested. All switches for which AT&T has received a request for portability in Phase I, II and III MSAs in the Southeast Region would be LNP-capable in accordance with the schedule established in the LNP Reconsideration Order, but for the unavailability of an NPAC/SMS. However, because the new NPAC/SMS for that region will not be live until after the Phase III deadline, AT&T seeks a waiver for all of its switches in Southeast Region Phase I, II and III MSAs for which AT&T has received a request for portability. These switches are listed in Exhibit 1 to this document.

(4) Time within which AT&T will complete deployment in the affected switches. As stated above, AT&T has completed, or will timely complete, deployment of all necessary modifications and upgrades within its own network required for long-term LNP. However,

AT&T cannot begin to provide that capability in the affected regions until such time as an NPAC/SMS becomes available for the porting of numbers and intercompany testing is completed.

(5) AT&T's proposed implementation schedule. Because it has virtually no embedded base of local exchange customers served via its own facilities in the Southeast Region, AT&T requests that it be permitted to implement LNP on the same schedule that the Commission establishes for BellSouth. In the initial stages of LNP, essentially all porting of telephone numbers will be from incumbent LECs to CLECs, because incumbent LECs have an effective monopoly over existing local service. The policy imperatives that led Congress to require number portability do not require that CLECs implement LNP before ILECs do so. Indeed, the Phase I Waiver Order appears to permit all carriers to implement LNP on the same schedule it ordered for BellSouth -- that is, to implement Phase I no later than August 31, 1998.¹⁰ While AT&T will be able to meet this August 31, 1998 deadline despite the recent change in the NPAC/SMS live date, it asks the Commission to clarify that it will be in compliance with the Phase I Waiver Order if it does so.

It is BellSouth's implementation problems that have required the Commission to delay LNP implementation in the Southeast Region for far longer than in other regions that were affected by a change in NPAC/SMSs, and any future changes to that BOC's implementation timetable will potentially affect the ability of all carriers in its region to implement LNP. For

¹⁰ See Phase I Waiver Order, ¶ 42 ("Although AT&T and WorldCom have not requested comparable extensions to that given to BellSouth, we hold that all carriers operating in the

(footnote continued on next page)

example, the delay in the Southeast Region NPAC/SMS live date to July 15th is attributable to BellSouth's inability to begin intercompany testing prior to mid-July. Moreover on May 1, 1998 BellSouth filed a "Supplement to Petition to Extend Time for Network Implementation," which revises its proposed schedule for LNP implementation. AT&T does not object to BellSouth's proposed revisions; however, it would greatly simplify AT&T's own LNP implementation and local market entry plans if it could follow whatever schedule the Commission sets for BellSouth. Indeed, several petitions for Phase III relief have taken a similar tack,¹¹ and AT&T believes that such a course is the most reasonable way to resolve the pending Phase II and Phase III waiver requests.¹²

(footnote continued from previous page)

Southeast region prior to August 31, 1998 must implement LNP as soon as practicable, but in any event, no later than August 31, 1998.")

¹¹ See, e.g., Sprint Local Telephone Companies, May 4, 1998 Petition for Greensboro MSA, pp. 2-3; Teleport Communications Group, May 4, 1998 Petition, pp. 4-5.

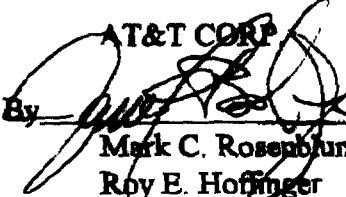
¹² In the event the Commission is unwilling to permit AT&T to adhere to the same schedule that it establishes for BellSouth, AT&T proposes the following schedule for the Southeast Region, which relies on the same assumptions contained in its Phase I and Phase II waiver petitions, but which is based on the new NPAC/SMS live date for that region:

- NPAC "live" date: July 15, 1998 (or the date a "live" NPAC is actually available)
- Inter-company testing completed: August 15, 1998 (or 30 days after "live" date)
- LNP implementation in Phase I MSAs completed: August 29, 1998 (or 14 days after testing)
- LNP implementation in Phase II MSAs completed: September 12, 1998 (or 14 days after Phase I)
- LNP implementation in Phase III MSAs completed: September 26, 1998 (or 14 days after Phase II)
- Remainder of LNP implementation in compliance with the schedule established in the Commission's LNP Reconsideration Order.

CONCLUSION

For the reasons stated above, the Commission should grant AT&T's requests for waiver of the 60-day notice requirement of 47 C.F.R. § 52.3(d), and for waiver of its deadlines for implementation of Phases I, II, and III of long-term local number portability in Southeastern Region. The Commission should permit AT&T to implement LNP in that region on the same schedule that it establishes for BellSouth or, in the alternative, on the schedule proposed above, which is based on an NPAC live date of July 15, 1998.

Respectfully submitted,

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AT&T EXHIBIT 1

SWITCHES FOR WHICH AT&T SEEKS WAIVER OF PHASE I, II AND III
LNP DEADLINES IN THE SOUTHEAST REGIONS

Ft. Lauderdale/Miami	OJUSFLTLDs2 WPBHFLANDs1 FTLDFDOVDS0
Orlando	ORLDFLMADS3
Tampa	TAMPFLCODS0
Orlando/Tampa	WNDRFLTLDs0
Jacksonville	ELVLFLMADS0 JCVLFLCLDS2
Nashville TN	NSVLTNMTDS4
New Orleans, LA	NWORLAMADS2
Greensboro, NC	GNBONCEUDS2
Charlotte, NC	CHRLNCCADS0